

October 6, 1987

OPINION NUMBER 87-295

Mr. B. R. Breland
Chief, Monroe Fire Department
Post Office Box 71
Monroe, Louisiana 71201

Dear Chief Breland:

You requested an opinion from this office concerning sick leave and the use of said leave by firefighters. In your first question you asked whether firemen who are receiving sick leave benefits should be allowed to work on various part-time jobs for monetary gain. LSA-R.S. 33:1995 address entitlement to sick leave. It provides:

Every fireman in the employ of a municipality, parish or fire protection district to which this Sub-part applies, shall be entitled to full pay during sickness or incapacity not brought about by his own negligence or culpable indiscretion for a period of not less than fifty-two weeks.

In accordance with the quoted provision, firemen to whom this provision applies are entitled to full pay during sickness or incapacity not brought about by their own negligence or culpable indiscretion. This statute does not prohibit firemen from engaging in part-time employment while receiving sick leave benefits. Thus, a fireman's ability to engage in part-time employment while receiving sick leave benefits is a determination which should be governed by local rules and regulations relative to the application, granting of and use of sick leave benefits, the nature of the illness and other related issues. However, it is conceivable that a fireman could be incapable, because of an injury or illness, of performing his duties as a fireman; but capable of performing other less strenuous duties and activities required in other types of employment .

Mr. B. R. Breland
OPINION NUMBER 87-295
October 6, 1987
Page 2

You also asked if firemen are entitled to sick leave benefits when they are injured on part-time jobs while "off duty". LSA-R.S. 33:1995 does not limit a fireman's entitlement to sick leave benefits to those instances when he is injured or becomes ill while performing his duties as a fireman. It simply states that he is entitled to full pay during sickness or incapacity not brought about by his own negligence or culpable indiscretion. Thus, it is the opinion of this office that a fireman is entitled to sick leave benefits even though the injury or illness may have occurred while he was off duty.

It is hoped that this opinion has been of some assistance to you. If we may be of any further assistance, please feel free to contact us.

Sincerely,

WILLIAM J. GUSTE, JR.
Attorney General

BY: _____
CASSANDRA A. SIMMS
Assistant Attorney General

CAS:wm

OPINION NUMBER 87-295

71-1-1...Municipal Fire & Police Civil
Service

LSA-R.S. 33:1995

LSA-R.S. 33:1995 does not prohibit firemen from engaging in part-time employment while receiving sick leave. Fireman is entitled to sick leave benefits even though the injury or illness may have occurred while he was off duty.

Mr. B. R. Breland
Chief, Monroe Fire Department
Post Office Box 71
Monroe, Louisiana 71201

Cassandra A. Simms

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71-1-1...Municipal Fire & Police Civil Service

LSA-R.S. 33:1995

LSA-R.S. 33:1995 does not prohibit firemen from engaging in part-time employment while receiving sick leave. Fireman is entitled to sick leave benefits even though the injury or illness may have occurred while he was off duty.

Mr. B. R. Breland
Chief, Monroe Fire Department
Post Office Box 71
Monroe, Louisiana 71201

Date Received: April 10, 1987

Cassandra A. Simms

Date of Opinion: October 6, 1987

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Chief, Monroe Fire Department
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Monroe, Louisiana 71201